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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,548	01/27/2005	Noboru Saito	2593-0151PUS1	8539
2292	7590	11/01/2006		EXAMINER
BIRCH STEWART KOLASCH & BIRCH			NGUYEN, TRUNG Q	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2829	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/522,548	SAITO, NOBORU	
	Examiner	Art Unit	
	Trung Q. Nguyen	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) Claim(s) 30-43 is/are allowed.
- 6) Claim(s) 44 is/are rejected.
- 7) Claim(s) 45-52 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/6
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species of Figure 7, claims 30-52 in Paper No. 0806 is acknowledged. Claims 1-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species of Figure 7, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 0806.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata's First embodiment (U.S. 7,119,531) in view of Sakata's Fifth embodiment.

Sakata's First embodiment discloses in Fig. 1, a pusher 11 having a pusher block via a balloon used as a pressure head and attached onto the front end of the pusher body 12 (column 3, lines 27-30); a socket 30 contacting electronic device 20 to be tested from an opposite side of socket 30 (see Fig. 1) at the time of conducting a test by pressing input/output terminals of electronic testing apparatus via pin electrodes 22

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(electro 22 are signal pins or source pins are inherent that they are input/output terminals) against socket 30.

Sakata's First embodiment fails to disclose a shaft protruding perpendicularly from an upper surface. However, Sakata's Fifth embodiment disclose in Fig. 6 a pusher block 11D having shaft 12D protruding perpendicularly from an upper surface (column 5, lines 10-20).

Therefore, at the time of the subject invention, it would have been obvious for a person of ordinary skill in the art to replace the pusher block of Sakata's First embodiment by the pusher block in the fifth embodiment of Sakata for the purpose of better heat exchange and also protect the pusher block 13D (column 5, lines 10-20).

Allowable Subject Matter

4. Claims 30-43 are allowed.
5. Claims 45-52 are objected to as being dependent upon a rejected base claim 44, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claims 30 and 45 recite, *inter alia*, "two or more elastic means provided between lead pusher base and pusher block having an elastic force in the direction of pressing electronic device to be tested." The art of record does not disclose the above limitations, nor would it be obvious to modify the art of record so as to include the above limitations.

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Conclusion

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trung Nguyen** whose telephone number is **(571) 272-1966**. The examiner can normally be reached on Monday through Friday, 8:30AM – 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ha Nguyen** can be reached at (571) 272-1678.

Trung Nguyen
Patent Examiner
Group Art Unit 2829
October 17, 2006.



HA TRAN NGUYEN
SUPERVISORY PATENT EXAMINER